



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed January 25, 2021

Michelle V. Larson
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

In re:

CARL WAYNE ORRELL,

Debtor.

KAPITUS SERVICE INC. AS
SERVICING AGENT FOR KAPITUS LLC,

Plaintiff

v.

CARL WAYNE ORRELL

Defendant.

Chapter 7

Case No. 19-33630

Adv. Pro. No. 20-03016

THIRD STIPULATION AND AGREED SCHEDULING ORDER

The Court, having considered the contents and merits of the Joint Motion for Entry of Agreed Scheduling Order and this Third Stipulation and Agreed Scheduling Order and the parties'

agreement thereto, as evidenced by their signatures below, it is of the opinion that this Order should be GRANTED.

IT IS THEREFORE ORDERED this proceeding is abated for sixty (60) days from January 19, 2021 while the parties continue their settlement discussions.

IT IS FURTHER ORDERED that each of the dates set forth below in this Agreed Scheduling Order shall serve as the deadlines for this case:

1. **TRIAL AND DOCKET CALL.** TRIAL is set before the Honorable Michelle V. Larson at Courtroom #2, 14th Floor, 1100 Commerce Street, Dallas, TX **the week of April 12, 2021**. Docket call for this trial will be held on **April 6, 2021 at 1:15 p.m.** at Courtroom #2, 14th Floor, 1100 Commerce Street, Dallas, TX. A pretrial conference shall be scheduled by the parties at least seven (7) days prior to docket call, **March 30, 2021**, in a complex adversary proceeding if the parties anticipate that trial will exceed one day or if there are preliminary matters that should be addressed by the Court prior to the commencement of trial.
2. **DISCOVERY.** Discovery must be completed forty-five (45) days prior to Docket Call, **December 18, 2020**. The names and addresses of experts must be exchanged sixty (60) days prior to Docket Call, **December 4, 2020**.
3. **JOINT PRETRIAL ORDER.** A Joint Pretrial Order in compliance with Local District Court Rule 16.4 shall be filed, served, and uploaded for Court entry seven (7) days prior to Docket Call, **March 30, 2021**. All counsel (or a pro se party) are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case, and (g) the signature of each attorney (or pro se party).
4. **EXHIBITS AND WITNESSES.** Each exhibit shall be marked with an exhibit label. Except for impeachment documents, all exhibits, along with a list of witnesses to be called, shall be exchanged with opposing counsel (or pro se party) fourteen (14) days prior to Docket Call, **March 23, 2021**. Each party shall also file a list of exhibits and witnesses fourteen (14) days prior to Docket Call, **March 23, 2021**. All exhibits not objected to in writing by Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance. Written objections to exhibits will be taken up either at the beginning or during the court of the actual trial or at any pretrial conference.
5. **WRITTEN PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW.** Written proposed findings of fact and conclusions of law shall be filed seven (7) days prior to Docket Call, **March 30, 2021**. Trial briefs shall be filed addressing contested issues of law seven (7) days prior to Docket Call, **March 30, 2021**.

6. DISPOSITIVE MOTIONS & EXPERT CHALLENGES. Unless otherwise directed by the Presiding Judge, all dispositive motions must be heard no later fourteen (14 days) prior to Docket Call, **March 23, 2021**. Accordingly, all dispositive motions must be filed no later than forty-five (45) days prior to Docket Call, **February 19, 2021**, unless the Court modifies this deadline.

IT IS FURTHER ORDERED that except as expressly stated to the contrary herein, all the terms of the *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [ECF No. 3] remain in full force and effect.

IT IS FURTHER ORDERED that changes to this Stipulation and Agreed Scheduling Order may only be made by further order of this Court.

###END OF ORDER###

AGREED AS TO FORM:

RUBIN & ASSOCIATES, P.C.

/s/ Mark S. Rubin

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